

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference RG 593 WO	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/007451	International filing date (day/month/year) 08.07.2004	Priority date (day/month/year) 23.07.2003
International Patent Classification (IPC) or national classification and IPC F28F9/00		
Applicant A. RAYMOND & CIE.		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>7</u> sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising: <ul style="list-style-type: none"> a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>7</u> sheets, as follows: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input checked="" type="checkbox"/> Box No. VI Certain documents cited <input checked="" type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/007451

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:

- ☐ international search (Rule 12.3 and 23.1(b))
☐ publication of the international application (Rule 12.4)
☐ international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

☐ the international application as originally filed/furnished

☒ the description:

pages 5-10 as originally filed/furnished

pages* 1-4 received by this Authority on 17.03.2005 with letter of 15.03.2005

pages* _____ received by this Authority on _____

☒ the claims:

nos. _____ as originally filed/furnished

nos.* _____ as amended (together with any statement) under Article 19

nos.* 1-9 received by this Authority on 17.03.2005 with letter of 15.03.2005

nos.* _____ received by this Authority on _____

☒ the drawings:

sheets 1/4-4/4 as originally filed/furnished

sheets* _____ received by this Authority on _____

sheets* _____ received by this Authority on _____

☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (*specify*): _____

☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages _____

☐ the claims, nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (*specify*): _____

☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-9	YES
	Claims		NO
Inventive step (IS)	Claims	1-9	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-9	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

1. Reference is made to the following document:

D1: EP 0 401 590 A

2. The application meets the requirements of PCT Article 33 because the subject matter of claim 1 is novel and involves an inventive step.

3. The subject matter of claim 1 is novel (PCT Article 33(2)) because the combination of features specified in claim 1 is not known from the prior art.

4. Document D1, which is considered to be the prior art closest to the subject matter of claim 1, discloses the following (see column 3, line 7 to column 4, line 32, and figures 1 to 8; the references in parentheses are to D1):

Device for securing an attachment adapter to a car radiator with deformable fins (2) mounted between coolant pipes, with an adapter support element (7) holding the attachment adapter, and with an mating element (7'), the adapter support element (7) and

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

the mating element (7') having a number of mutually opposed wedge-shaped projections (10), and with a locking system (14, 14', 14'') formed on the adapter support element (7) and the mating element (7') for connecting the adapter support element (7) to the mating element (7').

- 4.1 The known device lacks stability. The problem addressed by the present invention is therefore to design a device which can be stably attached to the central part of a car radiator with deformable fins between the coolant pipes.
- 4.2 The invention proposes the following features as a solution to this problem:
- (a) The adapter support element and the mating element are U-shaped, each having two lateral side members and a cross member extending between the side members, with projections arranged in opposed pairs on the side members and cross members of the adapter support element and the mating element.
- 4.3 These features (a) ensure a particularly good securing action with relatively little lever action on the cross members and adequate stability on the side members.
- 4.4 Such a solution is neither known from nor suggested by the prior art. The subject matter of claim 1 therefore involves an inventive step (PCT Article 33(3)).
5. Claims 2 to 9 are dependent on claim 1 and therefore

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Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
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also meet the PCT requirements in respect of novelty and inventive step.

6. The applicant is advised that the phrase "device for securing an attachment adapter" allows the subject matter to be interpreted in a very general way and therefore results in a claim of correspondingly broad scope. This means that the novelty of the subject matter can be destroyed by any device that has the features specified in claim 1 and is suitable for fitting to a car radiator, even in the case of devices associated with specialised fields that are technically unrelated and have not been searched.
7. The subject matter of claims 1 to 9 is industrially applicable (PCT Article 33(4)).

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Box No. VI Certain documents cited

1. Certain published documents (Rule 70.10)

Application No.
Patent No.Publication date
(day/month/year)Filing date
(day/month/year)Priority date (valid claim)
(day/month/year)

2. Non-written disclosures (Rule 70.9)

Kind of non-written disclosure

Date of non-written disclosure
(day/month/year)Date of written disclosure
referring to non-written disclosure
(day/month/year)

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Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

The document referred to in the description (page 1, line 8) is incorrectly cited as EP 0 401 500 (instead of EP 0 401 **590**) .

The back-reference in claim 8 should be to **claim 7**, not claim 72.